

Department of Finance and Administration

Legislative Impact Statement

Bill: HB1984

Bill Subtitle: TO ALLOW COUNTY CLERKS TO USE ELECTRONIC POLL BOOKS; TO REQUIRE THE SECRETARY OF STATE TO MAINTAIN AN ELECTRONIC VOTER REGISTRATION LIST; TO ALLOW COUNTY CLERKS ACCESS TO THE ELECTRONIC LIST.

Basic Change :

Sponsor: Representative Slinkard

This bill will allow county clerks to use electronic poll books to review or process the voter's registration and voting information during an election. The bill also requires the Secretary of State (SOS) to establish and maintain an electronic voter registration list and to provide the county clerk an electronic precinct voter registration list containing information on the voters registered in the county.

Upon request from the SOS, the bill mandates that DFA provide an electronic copy of a registered voter's most recent photograph and signature from his or her driver's license, state identification card, or voter registration. The required information to be included in the electronic voter registration list is provided in the bill which includes the photo and signature from DFA. Upon request, a county clerk shall provide an electronic copy of the names, addresses, and precinct numbers of the registered voters on the list to the requestor. A graduated fee from \$10.00 to \$50.00 based on the number of registered voters may be charged by the county clerk when providing the list to a requestor. If a printed list is requested, the cost of the list may be no more than two cents.

Revenue Impact :

None

Taxpayer Impact :

Taxpayers may be detrimentally impacted if the wrong photo and signature is attached to their record in the electronic voter registration list.

Resources Required :

DFA estimates programming cost to be \$159,000 for the initial load of past photos and signatures for all driver's licenses and identification cards and \$30,000 maintenance thereafter. Additional staff will be required if this project is to start before January 1, 2014.

Time Required :

Without additional staff, DFA could not begin this project until January 1, 2014

Procedural Changes :

Because DFA does not know which of their customers is a registered voter, the initial load of past photos and signatures must include all customers in the system. Thereafter, photos and signatures of customers registering to vote at the Revenue Offices will be transmitted to the SOS daily. The addition of photos and signatures to the daily delivery of motor voter information to SOS could increase the length of daily processing jobs by one (1) hour.

Other Comments :

- DFA identifies each customer with a specific driver's license or identification card number. SOS may not have the driver's license or identification card number for the voter in their system. The match may be on name or name/address and may not match up with the correct name or name/address in the DFA system. This creates a risk for the wrong photo and signature to be updated at SOS and require many additional man hours by SOS and DFA to resolve these

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issues.

- There would need to be at least a two (2) day delay in delivery of the photos to allow the facial recognition process to be completed. This is necessary to reduce the risk of fraud. DFA would prefer to actually delay the entire voter registration record so that the registration information, photo and signature were together in one record in order to reduce the risk of the photo and signature being updated to the incorrect record.
- There is no emergency clause or effective date in this bill, but DFA has programming commitments and could not start this project until January 1, 2014.

Legal Analysis :

Unless this bill is amended to remove the requirement that DFA provide the photo and signature of persons from the current driver license data base, this bill will violate the federal Driver Privacy Protection Act and will subject the state to significant damages in court.

The sponsor has agreed to the removal of the provisions addressing DFA and Legal has drafted the amendment.